



Understanding Motions to Open Default

When a party does not file an answer on time, the case goes into default. A motion to open default asks the court to let that party file an answer and take part in the case. Acting quickly matters.

How it works

- 1 Going Into Default.** A case generally goes into default if no answer is filed within 30 days after service.
- 2 The 15-Day Window.** Within 15 days after default, a party can generally open it as a matter of right by filing an answer and paying court costs.
- 3 After 15 Days.** The party must file a motion, and the judge decides whether to open the default.
- 4 Sworn Explanation.** The motion is supported by a sworn statement explaining what happened.
- 5 Ready to Proceed.** The party must offer an answer right away and announce ready to move forward with the case.

What the court looks for

A Valid Reason. Something beyond the party's control, excusable neglect, or other circumstances the court finds justify relief.

A Real Defense. The party must show a meritorious defense, not just a wish to delay.

Timing. The motion generally must be filed before the court enters a final judgment.

What to keep in mind

Act fast. Delay can make a default harder to open.

After the 15-day window, the decision is up to the judge. Results are not guaranteed.

In divorce cases, a default is not an automatic win for the other side. The court still requires evidence before granting relief.

This guide provides general information about opening a default in Georgia family law matters and is not legal advice about your specific case. Your attorney will explain how default rules apply to your situation.

YOUR ROLE

Send us any court papers the day you receive them, share any facts you know about service and deadlines, and respond quickly to our requests.

QUESTIONS?

As always, all questions and requests should be directed to the team via email to team@pepitone.law.